No 2635

1. H. B. Co. Memorial 2635
2. Puget Sound Agricultural Co. 2635 A.

Bound separately

See 2635
2635 A.

BRITISH AND AMERICAN JOINT COMMISSION ON THE HUDSON'S BAY AND PUGET SOUND AGRICULTURAL COMPANIES' CLAIMS.

TO THE HONORABLE THE COMMISSIONERS:

The PUGET SOUND AGRICULTURAL COMPANY submit the following Memorial and statement of their claims upon the United States; and for facts and considerations in support of such claims, respectfully declare :—

That in the year 1846, and for many years previous thereto, the Puget Sound Agricultural Company were, and since have been, engaged in the business of agriculture and farming, and of breeding and raising live stock; and for the purposes and in the course of carrying on their said business, they acquired and became possessed as owners thereof, before the said time, of certain farms and extensive tracts of land in the Territory lying on the North West coast of America, to the South of the 49th parallel of North latitude and North of the Columbia River.

That upon portions of their said lands there were erected and made by them, buildings, enclosures and other improvements of great cost and value; and the Company also owned and possessed, and pastured and fed upon the said lands, their said live stock, consisting of large and valuable herds of cattle and horses, and flocks of sheep; from the sale and disposal of which, and of the other productions of their said farms and land, they received great annual returns and profit.

That by Article IV. of the Treaty concluded between the United States of America and Great Britain, under date of the 15th day of June, 1846, it was provided, that the farms, lands, and other property of every description belonging to the Puget Sound Agricultural Company, on the North side of the Columbia River, should be confirmed to the said Company; but that in case the situation of those farms and lands should be considered by the United States to be of public and political importance, and the United States' Government should signify a desire to obtain possession of the whole, or of any part thereof, the property so required should be transferred to the said Government, at a proper valuation, to be agreed upon between the parties.

That the Government of the United States has not, at any time, signified to the Company a desire that any of the said property should be transferred to the said Government, at a valuation as provided by the Treaty, nor has any transfer thereof been made; but the Company have, ever since, continued to be the rightful owners of the said lands, farms and other property, and entitled to the free and undisturbed possession and enjoyment thereof.

That by a Convention concluded between the two Governments on the 1st day of July, 1863, it was agreed, that all questions between the United States' authorities, on the one hand, and the Puget Sound Agricultural Company on the other, with respect to the rights and claims of the latter, should be settled by the transfer of such rights and claims to the Government of the United States for an adequate money consideration.

And the claimants aver, that the rights and claims of the Puget Sound Agricultural Company, referred to and intended in and by the said Convention, are their rights and claims in and upon the said lands, farms and other property of every description, which they so held and possessed within the said territory, and which, by reason of the said Treaty of the 15th June, 1846, and according to the terms of the Fourth Article thereof, the United States became and were bound to confirm. And of the said farms and other property, they now submit to the Honorable the Commissioners a detailed statement and valuation as follows :—

First.—The tract of land at Nisqually, extending along the shores of Puget Sound, from the Nisqually River, on the one side, to the Pu-yal-lup River, on the other, and back to the coast range of mountains, containing not less than two hundred and sixty-one square miles, or one hundred and sixty-seven thousand and forty acres; of which said tract of land a portion is improved and under cultivation for farming and agriculture, and the remaining portion thereof was occupied and used by the Company for the grazing and pasturage of their cattle, horses and sheep, and for cutting wood and timber thereon, and for other purposes connected with their business; the whole being of the value of one hundred and sixty thousand pounds sterling (£160,000): the fort, bastions, houses, stores, barns, shops, and outbuildings, with the fencing and enclosures at the main post and establishment, and the houses, barns, outbuildings, fencing and enclosures at the other points on the said land, of the cost and value of four thousand pounds sterling (£4,000); these two sums making together the entire sum of one hundred and sixty-four thousand pounds sterling.....(£164,000) equal to seven hundred and ninety-eight thousand one hundred and thirty-three dollars and thirty-three cents... .... ($798,133.33.)

Secondly.—The land and farm at the Cowelitz River, known as the Cowelitz Farm, consisting of three thousand five hundred and seventy-two acres, more or less; of which upwards of fifteen hundred acres are improved and under cultivation for farming and agricultural purposes, and the remaining portion is used for cattle and sheep ranges, and pasturage, and for other purposes connected with the business of the said Company; the said last mentioned land being of the value of twenty thousand pounds sterling (£20,000); the establishment and buildings of the Cowelitz farm, consisting of dwelling houses, saw mills, stores, granaries, barns, stables, sheds, and piggeries, and of a great extent of fencing and enclosures, of the value of six thousand pounds sterling (£6,000): the said two last mentioned sums, making together the entire sum of twenty-six thousand pounds sterling .....(£26,000)

equal to one hundred and twenty-six thousand five hundred and thirty-three dollars and thirty-three cents..... ....($126,533.33.)

Thirdly.—The Company also owned and possessed live stock, consisting of three thousand one hundred head of neat cattle, three hundred and fifty horses, and five thousand three hundred sheep, of the value of twenty-five thousand pounds sterling (£25,000); which were pastured and fed on their said lands, before and at the time of the conclusion of the Treaty of the 15th June, 1846, and afterwards, until the time of the commission of the acts and injuries hereinafter-mentioned, by which the greater part of the said live stock was either killed, or driven away, and entirely lost to the Company, within a few years after the time of the said Treaty.

And the claimants aver, that although at the time of the conclusion of the Treaty of the 15th June, 1846, and for a long time before, they held and possessed the said lands, farms, and other property as owners thereof, and the United States, by the terms and according to the Conventions contained in the said Treaty, undertook and were bound to confirm them in the same; yet the United States failed to execute or grant to the said Company any formal title of confirmation of their said lands, farms and other property; and by reason thereof, and of the acts and proceedings of officers of the United States, and of American citizens, and of others assuming to act under the authority of the laws, or of the Government of the United States, the Company were deprived of the use and enjoyment of a large portion of their lands, farms, and other property, and of the rents, fruits, and profits thereof; their pasturage was destroyed or taken from them; their live stock killed or driven off, and wholly lost to them; and their entire business broken up or rendered unprofitable.

And the claimants, have in consequence, suffered loss to the amount of fifty thousand pounds Sterling ....(£50,000) equal to two hundred and forty-three thousand three hundred and thirty-three dollars and thirty-four cents..... .....($243,333.34.)

It may be added, as indicative of the value of their property, and in some degree, of the nature and extent of the injuries to which the Company were exposed, that while they were thus suffering from aggressions, and were disturbed in their possession, as above stated, a portion of their lands was assessed, for the purpose of taxation, at a value of $817,000; and they were compelled to pay taxes thereupon, from year to year, and have actually paid, for such taxes, the sum of $14,596.

In conclusion, the claimants submit to the Honorable the Commissioners, that they are entitled to claim and receive the fair value of their said farms and extensive tracts of land, and a just compensation for the capital expended in the acquisition and improvement of their said property, and in the buildings, forts, mills, trading establishments, and enclosures thereon; and further, compensation for the loss of their live stock, and for other loss suffered by them in consequence of the acts and proceedings hereinbefore complained of. And they ask, that upon the facts and circumstances, and for the reasons and considerations hereinbefore set forth, the Honorable the Commissioners will, after due exam-

ination, maintain their claim as just and reasonable; and will decide that the United States ought to pay to the said Company, in satisfaction and discharge of their said rights and claims, and as a proper valuation, and adequate money consideration for the transfer and relinquishment of them, the several sums hereinbefore specified, and now following, that is to say:—

For the farms and land, with the buildings, forts, trading establishments, and improvements thereon one hundred and ninety thousand pounds sterling (£190,000); for the loss of the live stock, and other loss suffered by them, by reason of the acts and proceedings hereinbefore complained of, fifty thousand pounds sterling (£50,000); making together the entire sum of two hundred and forty thousand pounds sterling money of Great Britain ..... (£240,000) equal to the sum of one million one hundred and sixty-eight thousand dollars..... .....(\$1,168,000.00.) to be paid in gold at the time and in the manner provided by the Treaty of 1st July, 1863.

And the claimants declare, that for the said sum of money, or for such other sum as the Honorable the Commissioners may justly award, they are ready and willing to transfer to the United States all their rights and claims according to the terms of the said two Treaties.

DATED, 10th April, 1865.

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